G. R. S. 58]

Previous references.
Legi 2-10-4.
— 19-09-(56)
(1-4).

1914. 15
(Courts)

File No. 207-14
Serial Nos. 1-3

Later references.
Ch 110. 30 2,7,10.

Preserve
Add
31/7/26

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-3

Part B for Dec 15

SUBJECT.

Admission of Mukhtyars &c. practice in Criminal Courts & prescribing qualifications for them

---

3) To The Regr. Ch. Ct. } 2168-9
" Secy. Jud. Cont. } 8 12

states that it is not desirable to lay down qualifications for Mukhtyars & create a class of Legal Practitioners below that of 2d class Pleaders

W D 1351—GPB—20,000—13-12-18

M. Ghosal
29. II. 15.

G. R. S. 11] 1914-15

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 207-14

FILE HEADING.

Admission of Mukhtyars to practise in Calcutta and prescribing qualifications for them.

From

No. Dated Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

P.T.O.

NOTES—First Sheet.

GPB—30,000—3-2-11

G. R. S. 12]

General and Revenue Secretariat. | File No. 207 of 1914-15

Serial No. 1

Read 15/1/1915

14. That those who have passed Criminal Lower Grade examination either in English or Kannada be admitted as Mukhtyars and permitted to practise in Taluk Magistrates' Courts where there are no Munsiffs' Courts.

W.O. J 52-14

Forwarded un officially to the Registrar, Chief Court, for favour of obtaining the opinion of the Judges of the Chief Court on the above resolution of the Judicial Conference of 1914.

By order

Ks Srinivasaiyar

16th Jan 1915.

For 449 : See top

3246 & 27.1.15.
209

Opinion of the Chief Court

17/1/15

2) The CHIEF JUDGE :- I doubt the advisability of laying down qualifications for Mukhtyars. They are a class of persons who are not to be encouraged They are useful ~~when~~ where there are no Munsiffs' Courts, but in those cases it may be left to the Magistrate discretion as it is now by the Code whom to employ ~~or~~ and to whom to ~~refer~~ refuse permission to practise. I should not object to a rule excluding all uncertificated practitioners from appearing in any court in a station where there is a Munsiff's Court. This would necessitate an amendment of the Code.

CHANDRASEKHARA AIYAR and PARAMASIVA IYER, JJ.:-

22/1/15

3) We Agree.

NOTE—Contn. sheet.

Bangalore
GPB—25,000—2-11-14
20th January 1915

REGISTRAR.

Serial No.

4) Subd with previous refce.

Draft Notn. mmds. Legis 19-09-4 — do — (5-6) — 2-10-4.

5) The three circulars issued by the Chief Court from time to time in the matter of permitting the mukhtyars to practise in Cl. Courts and the two subsequent proceedings explaining the scope and object of the circulars are contained in Legis file 19 of 09 (1-4).

6) M.C.C. Vol XV containing the full Bench decision in the cleseper case is also put up together with a copy of the Legal Practitioners Regulation, 1884.

Legis.
8/7/15 Mll

7) Please put up draft Notn Registrar calling for a list of Mukhtyars practising in the Province.

Sd
8/7/15

8) Subd with a draft

Legis.
9.7.15 Mll

9) Issue
Sd
9.7.

To The Registrar, Chief Court
No J 146 Dy 12.7.1915

Calls for a list of mukhtyars appearing in the several Criminal Courts in the State

J. C.

NOTE—Contn. sheet.

GPB—65,000—2-11-14

1298 (4

G. R. S. 12]

General and Revenue Secretariat. | Ch File No. 207 of 1914-15

Serial No. 2

From the Registrar, Chief Court
No 2192/169 dt 5/10.11.15
Forwards the list called for.

M.C.C. Vol XV

(10) Subº for orders. The nº of mukhtyars practising
Reg. in the State is 77.

23/11/15
NRL

(11) The position of Mukhtyars has been
stated at length in the Full Bench case
reported at p 231 of Mysore Chief Court Reports XV.
The Chief Court circulars ~~of~~ ~~in~~ 1885
~~now~~ 1894, 1909 clearly go to show that the
policy should be to discourage their appearance
in Court whenever a qualified legal
practitioner is available. In view of
this continued policy ~~in~~ from 30 years, it
is not desirable to create or recognise a regular body
of professional mukhtyars.

(12) The Judges of the Chief Court are
also of opinion that the Mukhtyars should
not be encouraged. They also would be
glad if they should be prohibited altogether
from appearing in places where there is a Munsiff's Court.

This ~~seems~~ Seems to be a reform
in right direction. If approved,
action will be taken in the Legislative
Sector. To avoid hardship, it may
not be made applicable ~~to~~ ~~for~~ ~~those~~ to those

NOTE—Contn. sheet.

GPB—25,000—2-11-14

●G. R. S. 12]

General and Revenue Secretariat. | cls File No. 207 of 1914-15

Serial No.

who are now appearing. This rule might well be a great extent in future.

(13) Draft also is put up in accordance with view of the Chief Court. FS 24/4

First Member

Draft added and appd. by First member.

MSS 3 12 15. 9/12

B 14/12

(14) Lgsne FS 4/12

3 To the Secy Judicial Conference

The Registrar Chief Court

Memo 2168-9 8-12-1915

States that it is not desirable to lay down qualifications for Assessors.

NOTE—Contn. sheet.

GPB 25,000—2-12-14

16/7

8

6

. R. S. 26]

cb File No. 207-14

Serial No. 1

Diary No. of letter replied to

No. J 144.

General and Revenue Secretariat

( )

, the *191* .

To

The Registrar,

Circuit Court

Date of issue 12/7/1915.

Signed by Mr. G. Sreenivasa Iyer.

Sir,

I am directed to invite your attention to Rule No 14 of the Judicial Conference of 1914 and to request that a list of Mukhtars ~~practising~~ appearing in the several Criminal Courts in the ~~present~~ State may be ~~attained~~ forwarded to Govt.

I have the

Pl. see over.

for Chief Sec

SUBJECT.

MR 7/8/15

No. 2192 Cul 169

(7)

Chief Court of Mysore,

Bangalore, dated the 5th November 1915.

To

DIARY No. J 1298

1915-1916
Cts
207-14

From

N.R.Gopaliengar, Esq., B.A., LL.B.,
Registrar of the Chief Court of Mysore.

To

D.M.Narasinga Rao, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
General Department.

S i r ,

Adverting to your letter No: J 144/Cts 207-14-1 dated the 12th of July 1915 calling for a list of Mukhtyars appearing in the several criminal courts in the State, I am directed to forward herewith a consolidated list.

I have the honor to be,

S i r ,

Your most obedient servant,

N. Gopaliengar

REGISTRAR.

H.C.C.

Bangalore District.		
Bench Magistrate's Court, Bangalore	Messrs 1. Shama Rao	
	2. Narahari Rao	2. Appears in the Court of the Amildar Magistrate of Nelamangala also.
	3. Thirumala Char.	
1st Class Magistrate's Court, Closepet Sub-Division.	Messrs. 1. B. K. Bhima Rao	1. Appears in the Court of District Magistrate of Bangalore in rare instances and also in the Court of the Amildar Magistrate of Kankanhally.
	2. K. M. Nagesa Rao	2. — Do - in the Amildar Magistrate's Court of Kankanhally also
	3. Srinivasa Rao	
	4. C. R. Nanjundia.	(4 & 5) — Do - Amildar Magistrate's Court Channapatna and Deputy Amildar Magistrate's Court, Closepet.
	5. ~~B~~ Venkatachalia.	
	6. Rangasamiah.	
	7. Vydyanatha Iyer.	7. - Do - Amildar Magistrate's Court, Magadi
Amildar Magistrate's Court, Doddaballapur.	Mr. M. Gopala Rao.	
— Do — Nelamangala.	" Bindu Madhava Rao	
— Do - Devanahally.	" 1. K. B. Gopala Rao.	
	" 2. D. S. Hanumantha Rao	
	" 3. Munisamappah.	
— Do — Hosakote.	" Rangasami Iyengar.	

16.

Kolar District.

Amildar Magistrate's Court, Mulbagal	Hapsi Rao
——do—— Chintamani	" 1. Seshagiri Rao
	" 2. Lakshminarasappah
	" 3. S. Srinivasa Rao.
——do—— Siddaghatta	" Khadreppa.
——do—— Bagepally.	" C. V. Rama Rao.
——do—— Malur.	" 1. L. Vema Reddy.
	" 2. Ramaswamy Iyengar.
In the Courts of the Tumkur District.	Messrs. 1. K. Nanjundiah.
	2. K. Vasudeva Rao.
	3. Durga Singh.
	4. D. Seetharamiah.
	5. Narasingappa.
	6. Hiriur Rama Gundappa.
	7. Sivariamiah.

Mysore District.		
Bench Magistrate's Court, Mysore	Messrs.	
	1. Annaji Rao	1. Appeared in the City Magistrate's Court in two cases and appears in Amildar Magistrate's Court of Hunsur
	2. N. Raghavendra Char	
	3. Ramachandra Rao	
City Magistrate's Court, Mysore	1. Sivalal Dobbe	Appeared only once
Amildar's Magistrate's Court, Yedatore	1. Hunsur Srinivasa Iyengar	——do——do——
Amildar Magistrate's Court, Hunsur	Messrs.	
	1. H. N. Appiah Sastry	
	2. T. Ramachandra Rao.	2. Appears in the Probationery Assistant Commissioner Magistrate's Court, also.
	3. N. Rangaswamy Iyengar.	3. —Do— Amildar Magistrate's Court, Heggadadevanakote
—Do— T. Narsipur.	Messrs.	
	1. K. Varada Char.	1. Appeared once in the 1st Class Magistrate's Court, Nanjangud Sub-Division
	2. Kottagal Gurumalliah.	
	3. Yelandur Sreenivasiengar.	
	4. Thirumakudlu Krishna Rao.	4. —do— twice in Srirangapatam Amildar Magistrate's Court.
—Do— Mandya.	Messrs.	
	1. Singriengar	
	2. G. V. Nanjappa Setty	
	3. G. P. Rangiah.	
	4. G. Sidde Gowda	

— Do — Kalavally.	Messrs. 1. A. Narasimhiah	
	2. M. Venkataramaiah	
	3. T. Thimmaiah	
— Do — Krishnarajpet.	Mr. 1. Krishna Sastry.	
	" 2. Nanjappah.	
Deputy Amildar Magistrate's Court, French Rocks.	Mr. 1. Melkote Singra Char.	
	" 2. M. Narayana Rao	
Amildar Magistrate's Court, Yelandur.	Mr. S. Srinivasaiengar	
— Do — Chamarajnagar.	Messrs. 1. H. Venkataramiah	
	2. T. Venkataramiah	
	3. D. Narasimhiah	
	4. Lakshmi Narayanappa	
— Do — Nagamangala.	Mr. C. V. Vaideswara Iyer	

29

Hassan District.		
Amildar Magistrate's Court, Channarayapatna	Messrs. 1. Srinivasa Iyengar 2. Lakshminaraniah.	
— Do — Arasikere.	" S. Venkata Char.	
Shimoga District.		
Amildar Magistrate's Court, Shikarpur	Mr. 1. Venkatachar. 2. Dasappa.	
— Do — Shirthahalli.	" Venkata Rao. " Subbaraya Bhatta.	
Chitaldrug District.		
1st Class Magistrate's Court, Davanagere Sub-Division	Mr. D. Narayana Rao.	Appears in the Court of the Amildar Magistrate of Davanagere and Deputy Amildar Magistrate of Harihar and is said to have been practising in these three Courts for 20 or 22 years.
Amildar Magistrate's Court, Molakere.	Mr. K. Lakshminarasappa.	
Kadur District.		

Amildar Magistrate's Court, Sarekere.	Mr. 1. Venkataramiah.	
	" 2. Assadulla Hussain	2. Appears in the Koppa Amildar's Magistrate's Court also.
— Do — Kadur	Mr. Komariah.	
Deputy — Do — Bringere	" Samavadhani.	
— Do — Narasimhajjuva	" 1. Chandrasekhariah.	
	" 2. K. Venkata Rao.	2. Appears in Koppa Amildar's Magistrate's Court also.
Amildar — Do — Koppa	Mr. S. G. Krishna Rao.	
— Do — Mudigere	" C. Ramachandra Rao.	

E.
77

Chief Court of Mysore,
Bangalore, 5 1/10 November 1915.

N. Nagaratnamma
Registrar

✓ Statuj Mat it is not desirable to lay down Qualifications for Mukhtyars (9

6/✓

G.R.S. 28]

File No. 207-14
Serial No. 3

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.
( )

, *the* 191 .

READ—

Resolution no 14 of the 9th Conference of 1914 recommending that those who have passed Crl lower grade examination be admitted as Mukhtyars and

Date of issue 8/12/1915.

Signed by Mr. C. Srinivasa Rau

~~ORDER THEREON.—No.~~

permitted to practise in the Courts of Taluk Magistrates in places where there are no Munsiffs' Courts.

2) Correspondence ending with letter no. 2192/169 Dated 5/10 16th Nov 1915

P.T. over.

SUBJECT.

GPB—50,000—1-12-12

(6)

from the Registrar, Chief Court, praying
a list of Mukhtyars appearing
in the several Criminal courts
in the State.

Order - No. J 2168-9.

Govt. agree with the Chief
Court that it is not desirable
to lay down qualifications
for Mukhtyars, and create a class of
Legal Practitioners below that of 2nd grade pleaders.

Sd/ 24/11
for Secy to Govt
Genl Deptt.

The Secy, Just Conference
To The Registrar, Chief Court

3/12/15

Copy to the Press Room.

hg. 7/12
24/11/15

G. R. S. 58]

Previous references.

1916. 16
(Courts)

File No. 211-16

Serial Nos. (1)

Later references.

Preserve
31/7/26

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. (1)

Part B for Feb 16

SUBJECT.

Question of fixing Rs 5/- as the minimum fee in execution cases.

---

1) To the Regr. Ch. Cr. } J3067-8
" Secry. Jud. Conf. } 0 7.2.16

Dear Sir, I am directed to state that Govt consider that it is neither necessary nor expedient to fix a minimum.

W D 1551—GPB—20,000—13-12-15

Mehmood
11/2/16.

G. R. S. 11] 1914/15

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 211-14

FILE HEADING.

Question of fixing the 5/- as the minimum fee in execution cases.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

GPB—20,000—8-8-14

(2.

R. S. 12]

General and Revenue Secretariat. | Cts File No. 211 of 1914-15

Serial No.

16. That in execution cases the minimum lawyers' fee should not be less than rupees five.

Read 15/1/915

W.O. J 54-14

1) Forwarded unofficially to the Registrar, Chief Court of Mysore, for favour of obtaining the opinion of the Judges of the chief court on the above resolution of the Judicial conference of 1914.

By order
Ramiswamy
for Offg Secretary to Govt

3207 27.1.15
210

15th January 1915

Opinion of the Chief Court

2) The Judges are agreed that Rs. 5/- should be the minimum fee in execution cases.

III
Ex
29/1

Bangalore
28th January 1915.

A. Gopalachar
REGISTRAR.

NOTE—Contn. sheet.

GPB—15,000—2-11-14

Serial No.

3) In suits up to Rs 5000/- fees are now calculated at 5 per cent ad valorem with a minimum fee of Rs 5/- in a suit before a Munsiff, of Rs 7/- in one before a Sub or 1st judge, + of Rs 10/- in one before the Hh. Court and fees in execution cases are allowed at one fourth these rates. In suits of higher value fees are proportionately lower.

Pages 41 – 43 Civil Digest Pub up.

× Retained in the Printer

4) In the Madras Presidency fees in execution cases are calculated at 1¼ per cent ad valorem up to a limit of Rs 5000/- fees above the limit being proportionately lower. There is no minimum fee in execution cases.

× Page 201 of Chandrasekhara Aiyar's Rules to 120 V

× Retained in the Printer

5) Whether or not a minimum fee of Rs 5/- in execution case will increase the burden of the litigant in petty cases is a point for consideration. Submit for orders.

7/11/15

6) The present proposal will, if approved, continue an unnecessary anomaly in our present rules. Both in British India and this State, the present rule is to award in Ex. cases only one fourth of the fee prescribed in Suits and appeals. Under the present rules, ~~the~~ in an original suit for Rs 1000/- and a Munsiff's court, Lawyer's fee will be

NOTE—Contn. sheet.

GPB—25,000—22-3-15

Serial No.

assessed at Rs 37/- and in the execution case at 1 1/4 Rs, but under the proposed rule the rate will be increased by nearly 300 p.c in such cases. In a small cause suit for Rs 20/- the present rate is Rs 7/-, and in ~~but~~ and annas ~~8/- 8/-~~ 8 in the execution case. But under the proposed rule it will be Rs 7/- in the small cause suit, but will be Rs 57/- in the Execution case. It seems to me that under the circumstances, while the people themselves ask for the enhancement of the rate, it will be an exparte decision if the present proposal is approved, and not one well considered on the merits. No such minimum is prescribed anywhere in British India for execution cases.

2) It is a point for orders whether any change in the existing rules is necessary.

Es
9/7/15

First Member)

3) I am not for this change - This may also be put up with the file abt fees in original cases (for Council)

Hume
24/7

Es

This has been dispos'd of. 9 Hamid. C.S to vouch. 2 26 Oct.

Orders

2 Vol. 1 & Ch. 212-14 (1365)

Returned with orders noted

Hume Es 27.8

NOTE—Contn. sheet.

Subj to Dewan with Final note on 4.9.15

GPB—25,000—30-4-15.

22/7/15

[G. R. S. 12]

16

General and Revenue Secretariat.

C/o File No. 211 of 1914-15

Serial No.

8) submitted

Secretary).

9) If approved it may be circulated & brought up before a meeting of the Council.

Secretary)

10) Yes C/o

C.S. dated 30/6/15

1396
13.9.15

6.11.15.

3/11/15

G. R. S.

Extract from the Proceedings of the 366th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 24th & 25th November 1915.

6. SUBJECT. - (Clause viii of the Schedule).

Question of fixing Rs.5 as the minimum fee in execution cases.

OPINION OF THE COUNCIL.

11) No minimum need be fixed.

(Sd.) M.VISVESVARAYA.
DEWAN OF MYSORE.

"EXTRACT"

D. M. Narayana Rao 26/11
Secretary to Government,
General Department.

GPB—2,000—5-5-10

(5)

G. R. S. 12]

General and Revenue Secretariat. 6 CA File No. 211 of 1915

396

Serial No.

12) Extract from the Proceedings of the Council is put up.
Submitted to the Asst: Secretary.
Ref
26/10/15.

NOTE—Contn. sheet.

GPB—25,000—30-4-15.

(8

Final Note by the First Member of Council.

Subject:—

Question of fixing Rs.5 as the minimum fee in Execution Cases.

*Page 1 of office notes.

13) The Judicial Conference of 1914 recommended that in execution cases a sum of Rs.5/- should be fixed as the minimum lawyer's fee. The Judges of the Chief Court, who were consulted in the matter, agree to the above recommendation.

2. 14) According to the rules in force here and in British India, only one-fourth of the fee prescribed in suits and appeals is awarded as lawyer's fee in execution cases. The minimum proposed will work as an anamoly in some cases as in a small cause suit for Rs.20/- the lawyer's fee being only Rs.2/- in the suit the fee under the proposed rule will be Rs.5/- on the execution side.

3. 15) Besides, it does not seem to be expedient to enhance the rates, thus increasing the burden on the litigants, till the people themselves ask for such enhancement.

*Page 5 of office notes

4. 16) The matter was considered in Council which was

(8

of opinion that no minimum need be fixed. The recommendation of the Conference may be rejected.

H Macpherson

Dated 9.12.15 First Member of Council.

(19

. *Submitted to His Highness.*

*Flag H.

*Page 1 of office notes

" " "

17) I submit herewith a 'Final Note' by the First Member of Council on the recommendation of the Chief Court that, as resolved by the Judicial Conference of 1914, a sum of Rs.5/- may be fixed as the minimum lawyer's fee in execution cases.

*Page 5 of office notes.

18) 2. The matter was considered in Council and they are of opinion that no minimum need be fixed. The view of the Council may be approved.

M. Viswanaya
6th Jan 1916.

(10)

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Question of fixing Rs.5/- as the minimum lawyer's fee in execution cases.

594.

Order.

19) ~~KRAW~~
10/1/16

13/1/16

17/1

21.1.16.

11.1.16.

(12)

F. R. S. 12]

General and Revenue Secretariat. | C5 File No. 211 of 1914-15

Serial No.

20) Subd with a draft order.
Reg. 27/1/1916

Asst Member)

Draft approved by the Vice Member 31/1

B/157

Reg 31/1/16

1 To The Registrar 21) Done Eg 31/1
Chief Court

The Secy. Jude conference
No J 3064-8 7-2-1916
states that it is neither necessary nor expedient to fix a minimum, as proposed by the conference.

NOTE—Contn. sheet.

GPB—20,000—30-6-15

3/1 Re minimum lawyer's fee in Executive Case (13

ab

G.R.S. 28]

Diary No. of letter replied to

GENERAL AND REVENUE SECRETARIAT.
( )

, the 191 .

Date of issue 7th February, 1916.

Signed by Mr. G. Srinivasa Iyer

05 File No. 211-14
Serial No. 1

Proceedings of the Government of His Highness the Maharaja of Mysore

READ—

Resolution No. 16 of the Judicial Conference of 1914 recommending that in Execution cases the minimum lawyer's fee should not be less than rupees five.

ORDER THEREON.—No. J 3064-8

~~Accepted by~~ Govt ~~do not~~ consider that it is neither necessary nor expedient to fix a minimum as proposed by the Conference.

30/1/16

Hon'ble Sec'y for Govt

Govt Sec'y

SUBJECT.

To the Registrar, Chief Court
The Sec'y, Judl Conference
Copy to the Mem Nomn. Asst 31/1

27.1.16

GPB—50,000—1-12-12

30/1/16